

FILED

June 26, 2023

UNITED STATES DISTRICT COURT

for the

Western District of TexasCLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY: Valeria Sandoval
DEPUTYUnited States of America
v.

Case No. SA:23-MJ-00917

Antonio Hinojosa*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 19, 2023 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. Section 922(o)

Illegal Possession of Machinegun

PENALTIES:

Maximum 10 years imprisonment

Maximum \$250,000 fine, or both

Maximum 3 years supervised release; and

\$100 mandatory special assessment.



This criminal complaint is based on these facts:

See Attachment.

☒ Continued on the attached sheet.**DANIEL HUBER**Digitally signed by DANIEL HUBER
Date: 2023.06.24 15:42:48 -05'00'*Complainant's signature***SA Dan Huber, ATF***Printed name and title*☐ Sworn to before me and signed in my presence.☒ Sworn to telephonically and signed electronically.Date: June 24, 2023City and state: San Antonio, Texas*Judge's signature*

Henry J. Bemporad, United States Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent Daniel Huber, being duly sworn do hereby depose and state:

1. Your affiant is currently employed as a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has been so employed since November 2022. Since November 2022, your affiant has participated in investigations concerning violations of Title 18 and Title 26.
2. On June 23, 2023, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) executed a federal search warrant for a residence at the 100 block of Neulon Drive, San Antonio, Texas, in connection with the ongoing investigation of an armed robbery of a Federal Firearms Licensee in San Antonio. As a result of the execution of the search warrant, **ANTONIO HINOJOSA** was detained without incident and arrested for outstanding state warrants for Aggravated Assault, Terroristic Threat, and Violation of a Protective Order.
3. Prior to executing the search warrant, I observed several publicly viewable Instagram posts. Based on photographs in the accounts, I believed the accounts were used by **Hinojosa**. I saw multiple Instagram posts of firearms where, based on the text and context of the posts, I believed many of the firearms were being posted for sale via Instagram. I further observed nine photographs and videos displaying a Glock pistol which appeared to have a privately manufactured machinegun conversion device (commonly referred to as a “Glock switch”) affixed to the rear slide of the pistol. I know that the sole purpose of the machinegun conversion device or “Glock switch” is to make a semi-automatic firearm into a machinegun.
4. I read **Hinojosa** his Miranda warnings, which **Hinojosa** said he acknowledged and understood. **Hinojosa** confirmed one of the Instagram accounts I discovered did in fact belong to him. He further confirmed the pictures of firearms, including those of firearms with “Glock switches,” were photographs he had taken. He said the photographs were of two different Glock pistols. **Hinojosa** said both pistols had a “switch” on the back of the pistol. He expressed knowledge that the “switch” did in fact change the function of the firearm to fire fully automatic.
5. I showed **Hinojosa** a still shot from a video observed on **Hinojosa’s** Instagram account. The still shot displayed the first post observed of a Glock pistol with a “switch.” **Hinojosa** identified the location the photograph was taken as the residence at the 100 block of Neulon Drive, San Antonio, Texas, which is within the Western District of Texas. He said the video was from on or about May 19, 2023. **Hinojosa** said he came into possession of the pistol with the switch approximately two weeks before the photograph was taken. **Hinojosa** would not provide who he received it from or how much he paid for it.

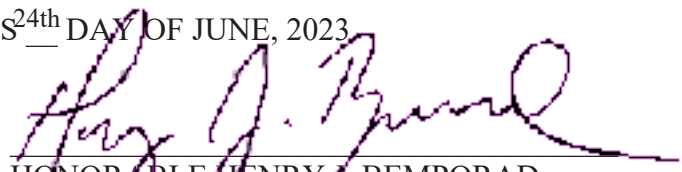
6. I showed **Hinojosa** another photograph of a Glock pistol with a “switch” installed. The photograph was another still shot from a video. **Hinojosa** identified the pistol as being the same from the previous photograph. **Hinojosa** provided a location of where he took the video. Based on the description, investigators identified the location as the 8700 block of IH-35 S, San Antonio, Texas, which is within the Western District of Texas. **Hinojosa** said he carried the pistol for protection due to being shot at in the past by others who also possessed “switches.”
7. I also found another publicly viewable video on **Hinojosa’s** Instagram account. The video is dark, but it displayed an unknown number of individuals in a moving vehicle. One individual fired a pistol out the passenger window of the vehicle. Based on the rate of fire, I believed the firearm was a pistol with a “switch” affixed to the rear of it. I showed **Hinojosa** a still shot of the video and explained what occurred in the video. **Hinojosa** said he remembered the video. He said he was not present when the shooting occurred, but that the Glock pistol he previously identified as being his was the firearm fired in the video. **Hinojosa** said he sold the pistol in either late May or early June for approximately \$500.00. He said he took the “switch” off the pistol prior to the sale and gave the “switch” to a friend.
8. **Hinojosa** identified another photograph as a different Glock pistol with a “switch.” **Hinojosa** said he came into possession of the pistol in approximately late May 2023. **Hinojosa** identified the location where one of the photographs was taken as being the residence at the 100 block of Neulon Drive, San Antonio, Texas. **Hinojosa** said he “got rid of” this pistol, without providing additional details.
9. I know that lawful possession of a machinegun requires registration in the National Firearms Registration and Transfer Record (NFRTR), as a machinegun is a National Firearms Act (NFA) firearm. A check of the NFRTR revealed that **Hinojosa** did not have any NFA firearms registered to him during the timeframe when the photographs were observed and **Hinojosa** stated he had them.

Based on the above facts, your affiant believes there is probable cause that **ANTONIO HINOJOSA** knowingly possessed a machinegun, that is, a Glock pistol, which was equipped with a conversion device that made it capable of firing automatically more than one shot, without manual reloading, by a single function of the trigger, in violation of Title 18, United States Code, Section 922(o).

DANIEL HUBER Digitally signed by DANIEL HUBER
Date: 2023.06.24 15:45:22 -05'00'

Daniel Huber
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

SUBSCRIBED AND SWORN TO ME THIS 24th DAY OF JUNE, 2023



HONORABLE HENRY J. BEMPORAD
UNITED STATES MAGISTRATE JUDGE